

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
)
)
v.) **CRIMINAL No. 2:12-cr-118-DBH**
)
CLETUS E. DAVIS,)
)
)
DEFENDANT)

ORDER GRANTING SENTENCE REDUCTION

On November 27, 2015, the defendant filed a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 with a claim based on Johnson v. United States, 135 S. Ct. 2551 (2015). (ECF No. 95). Counsel was appointed to represent the defendant on the Johnson issue. (ECF No. 96). Following a stay, on May 31, 2016, the government responded that the defendant was entitled to relief from the sentence he received as an armed career criminal. (ECF No. 111). On June 16, 2016, the U.S. Probation Office filed a Request to Modify Conditions or Term of Supervision (ECF No. 115). On June 24, 2016, the government and the defendant filed a Joint Sentencing Recommendation (ECF No. 118).

The defendant's 28 U.S.C. § 2255 motion is **GRANTED**. The Joint Sentencing Recommendation is **ADOPTED**. Under United States Sentencing Guideline 2K2.1(a)(4)(A), the Base Offense Level is 20. Applying a 3-level reduction for acceptance of responsibility under Guidelines 3E1.1(a), (b), the Total Offense Level is 17. With a Criminal History Category of VI, the Guideline Sentencing Range is 51 to 63 months. The defendant is **SENTENCED** to 51 months

imprisonment, followed by 3 years of supervised release with the current standard conditions and the special conditions attached as Exhibit 1 to the Joint Sentencing Recommendation. The Clerk's Office shall prepare an Amended Judgment and Commitment accordingly. I understand that this 51-month sentence should result in the defendant's release on about July 6, 2016.

The Probation Office's Request to Modify Conditions or Term of Supervision is **Moot**.

So ORDERED.

DATED THIS 28TH DAY OF JUNE, 2016

/S/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE